

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

STEVEN M. TYLER and MELVA D.)	3:10-CV-00042-ECR-VPC
TYLER, Husband and Wife,)	
)	MINUTES OF THE COURT
Plaintiffs,)	
)	DATE: August 3, 2010
vs.)	
)	
AMERICAN HOME MORTGAGE, a New York)	
Corporation; TICOR TITLE OF)	
NEVADA, INC.; RECONTRUST COMPANY;)	
BANK OF AMERICA; MERSCORP, INC.,)	
a Virginia corporation; MORTGAGE)	
ELECTRONIC REGISTRATION SYSTEM,)	
INC., a subsidiary of MERSCORP,)	
INC., a Delaware corporation,)	
[MERS]; and DOES 1-25 CORPORATIONS,)	
DOES and ROES 1-25 Individuals,)	
Partnerships, or anyone claiming)	
any interest to the property)	
described in the action,)	
)	
Defendants.)	
)	

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Deputy Clerk: COLLEEN LARSEN Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

We now reconsider the following motions which were reopened by our Order (#34) filed August 2, 2010: Plaintiffs' motion to remand to state court (#8), Plaintiffs' motion to "Stay Federal Proceedings Pending Ruling On Motion for Remand" (#9) and Defendants' motion to dismiss (#11). The motions will be denied without prejudice for the reasons enunciated below.

Because certain claims in this case remain under the jurisdiction of the MDL court in the District of Arizona it would be improper to remand this action to state court. Plaintiffs' motion (#8) to remand will therefore be denied without prejudice. Plaintiffs may raise the issue of remand again when the entirety of this action is under our jurisdiction.

On March 30, 2010, Judge Teilborg, who presides over the MDL proceedings in this case, ordered (MDL #238) that the parties brief the issue of which claims in Plaintiffs' case were remanded to our court pursuant to the initial transfer and remand order (MDL #218). It appears that issue has been fully briefed by the parties, but that Judge Teilborg has not yet issued his ruling. In light of this circumstance, we will deny Defendants' motion to dismiss (#11) without prejudice. Defendants may re-file the motion or file a new motion to dismiss following Judge Teilborg's ruling, which presumably will clarify which claims in this case remain within our jurisdiction, and which lie within the jurisdiction of the MDL court.

IT IS, THEREFORE, HEREBY ORDERED Plaintiffs' motion to remand to state court (#8) is **DENIED** without prejudice.

IT IS HEREBY FURTHER ORDERED Plaintiffs' motion to "Stay Federal Proceedings Pending Ruling On Motion for Remand" (#9) is **DENIED** without prejudice.

IT IS HEREBY FURTHER ORDERED that Defendants' motion to dismiss (#11) is **DENIED** without prejudice.

LANCE S. WILSON, CLERK

By /s/
Deputy Clerk